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Attorneys for Defendant
LAURI VALJAKKA

Attorneys for Defendant
NETFLIX, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 4:22-cv-01490-JST

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT
PURSUANT TO PAT. L. R. 4-3**

Judge: Jon S. Tigar

Pursuant to Patent L.R. 4-3, Plaintiff Lauri Valjakka (“Valjakka”) and Defendant Netflix, Inc. (“Netflix”) hereby submit this Joint Claim Construction and Pre-Hearing Statement regarding United States Patent Nos. 8,495,167 and 10,726,102 (collectively, “the Asserted Patents”).

I. PATENT L.R. 4-3(a): PROPOSED CONSTRUCTION OF EACH AGREED TERM

The parties do not have agreed upon constructions for any of the proposed terms.

1 **II. PATENT L.R. 4-3(b): PROPOSED CONSTRUCTION OF EACH DISPUTED**
2 **TERM**

3 The parties' proposed construction for the disputed terms, along with their identifications
4 of intrinsic and extrinsic evidence on which the parties intend to rely, are included in the chart
5 attached to this pleading as Exhibit A. The parties reserve their rights to cite and submit
6 additional supporting evidence based on arguments raised in the claim construction briefing and
7 any supporting declarations.

8 **III. PATENT L.R. 4-3(c): TERMS WHOSE CONSTRUCTION WILL BE MOST**
9 **SIGNIFICANT TO RESOLUTION OF THE CASE**

10 The parties submit that all six proposed terms will be significant to the resolution of the
11 case.

12 **IV. PATENT L.R. 4-3(d): DURATION OF CLAIM CONSTRUCTION HEARING**

13 The parties anticipate that they will not require more than three hours for the tutorial and
14 entire claim construction hearing.

15 **V. PATENT L.R. 4-3(e): WITNESSES AT CLAIM CONSTRUCTION HEARING**

16 The parties do not intend to call witnesses at the claim construction hearing.

17 **VI. PATENT L.R. 4-3(f): FACTUAL FINDING REQUESTED FROM THE COURT**

18 No party requests any factual findings from the Court related to claim construction other
19 than those submitted with any expert declaration that may accompany claim construction briefing.
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Dated: August 29, 2022

Respectfully submitted,

/s/ Susan S.Q. Kalra

/s/ William P. Ramey, III

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Exhibit A

Term	Plaintiff's Construction	Defendant's Construction	Defendant's Support
“modified transport request” (’167 Patent 1, 3-6, 8, 9, 11-17, 19, 20)	Plain and ordinary meaning	“message that is modified by a relay server to add target terminal addresses”	’167 patent at 5:33-34, 6:47-7:21, claims 1, 9, 16, 17, 19 and 20. Testimony of Dr. Avi Rubin.
“data” (’167 Patent 1, 3-6, 8, 9, 11-17, 19, 20)	Plain and ordinary meaning	“content files or parts of content files that are stored by a terminal for subsequent use after retrieval, distinct from streaming content”	File History for ’167 patent: (May 24, 2006 Amendment and Applicant Arguments/Remarks); ’167 patent at 1:54-2:3, 2:14-17, 2:24, 2:65-67, 3:13-15, 6:31-46. Testimony of Dr. Avi Rubin.
“obtaining is based at least in part on the first digital rights management key” (’102 Patent 10, 11)	Plain and ordinary meaning	Indefinite	’102 patent at claim 10. Testimony of Dr. Avi Rubin.
“the digital rights management header” (’102 Patent 10, 11)	Plain and ordinary meaning	Indefinite	’102 patent at claim 10. Testimony of Dr. Avi Rubin.
Method claim 10 requires a particular step order (’102 Patent 10, 11)	Plain and ordinary meaning	The DRM keys must be obtained or derived before restricted content is obtained. Further, the first DRM key must be obtained and the fingerprint validated before the second and third DRM keys are derived.	’102 patent at claim 10. Testimony of Dr. Avi Rubin.
“fingerprint” (’102 Patent, claims 10, 11)	Plain and ordinary meaning	“a bit string, derived (or computed) directly from the content, that uniquely represents the	’102 patent at 11:19-21, 11:26-28. Testimony of Dr. Avi Rubin.

		content”	
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